

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

TRACIE L. DAWSON

**v.
JAMES R. DAWSON**

APPELLANT,

RESPONDENT.

DOCKET NUMBER WD73385
DATE: May 15, 2012

Appeal From:

Clay County Circuit Court
The Honorable David P. Chamberlain, Judge

Appellate Judges:

Division Four: Lisa White Hardwick, Chief Judge, Presiding, Cynthia L. Martin, Judge and
Joel P. Fahnestock, Special Judge

Attorneys:

Tracie L. Dawson, Appellant Pro Se.

R. Gregory Harrison, Liberty, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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WESTERN DISTRICT**

TRACIE L. DAWSON,

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v.

JAMES R. DAWSON,

RESPONDENT.

No. WD73385

Clay County

Before Division Four: Lisa White Hardwick, Chief Judge, Presiding, Cynthia L. Martin, Judge and Joel P. Fahnestock, Special Judge

Tracie Dawson appeals from the trial court's amended judgment order of modification retroactively modifying James Dawson's child support obligation and ordering Mother to pay Father \$19,305.00 in overpaid child support accumulated during the retroactive period. Mother claims the trial court erred in calculating the overpayment.

Affirmed in part, and reversed and modified in part.

Division Four holds:

Even if the trial court erroneously characterized an amount that Mother credited Father, in connection with a settlement which led to a reduction in Father's child support obligation in 2005, as an amount "paid" by Father, that error played no role in the calculation of Father's judgment. Mother's suggestion that Father's judgment against her should be reduced by the credited amount constitutes an impermissible collateral attack on the 2005 Modification which fully and finally determined Father's then existing arrearage.

The trial court's determination that Father was entitled to a reduction in his child support arrearage as of the time of trial by an abeyance amount addressed in the 2005 Modification was not against the weight of the evidence.

Father's judicial admission regarding the amount of his child support arrearage as of the time of trial conclusively negated the trial court's ability to find that all arrearages accumulated after the 2005 Modification had been satisfied and paid in full. Thus, the trial court erred in failing to reduce Father's judgment by Father's admitted arrearage.

Opinion by Cynthia L. Martin, Judge

May 15, 2012

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